

**A RESOLUTION
BY COUNCILMEMBERS CLAIR MULLER
& ANNE FAUVER
AS AMENDED BY CITY UTILITIES COMMITTEE**

03-R-0919

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO PERMIT MIDTOWN ALLIANCE AND SELECTED CONSTRUCTION COMPANY TEMPORARY USE OF THE PARCEL OF PROPERTY AT THE END OF WESTMINSTER DRIVE AS A TEMPORARY STAGING AREA, AND TO REQUIRE THE RESTORATION OF THE SITE TO ITS ORIGINAL CONDITION FOLLOWING THE COMPLETION OF ANY CONSTRUCTION WORK; AND FOR OTHER PURPOSES.

WHEREAS, the Midtown Alliance is undertaking a Piedmont Avenue Streetscape improvement project, a Tenth Street Streetscape improvement project, a West Peachtree Streetscape improvement project, and a Peachtree Streetscape improvement project; and

WHEREAS, the Midtown Alliance has contracted with selected construction company to coordinate program management for these projects; and

WHEREAS, the Department of Watershed Management of the City of Atlanta maintains ownership of the undeveloped property at the end of Westminster Drive, hereinafter referred to as the West Lumber site; and

WHEREAS, the Midtown Alliance and selected construction company have requested access to and the use of the West Lumber site as a staging area for these projects; and

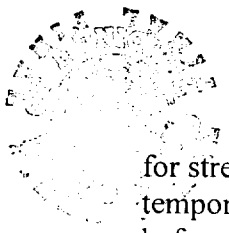
WHEREAS, the Midtown Alliance, through its proposed agreement with the selected contractors, has agreed to pay for all costs of any work necessary to prepare the site for use as a staging area by its selected contractor; and

WHEREAS, the Midtown Alliance, through its proposed agreement with the selected contractors, has agreed to restore the West Lumber site to its original condition following the removal of all construction equipment and materials, at no cost to the City; and

WHEREAS, the Department of Watershed Management supports the temporary use of this site as a staging area by the Midtown Alliance, selected construction company and their contractors.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1: The Mayor or her designee is hereby authorized to enter into an agreement with the Midtown Alliance and selected construction company for the temporary use of a parcel of City property on Westminster Drive, to be used as a construction staging area



for streetscape improvement projects on Piedmont Avenue and Tenth Street. The temporary use by Midtown Alliance and selected construction company shall not begin before June 9, 2003, and shall be completed on or before February 28, 2004.

SECTION 2: That the Midtown Alliance and selected construction company shall maintain all uses of the West Lumber site according to the provisions of the Construction Facilities agreement (attached as Exhibit A) and the Allowance agreement (attached as Exhibit B).

SECTION 3: That the City of Atlanta shall incur no financial liability in preparing the West Lumber site for temporary use as a staging area by selected construction company.

SECTION 4: That the Midtown Alliance and selected construction company shall maintain a minimum responsibility to restore the West Lumber site to its original condition following the removal of all construction equipment and materials from the site, by or before February 28, 2004.

SECTION 5: That the Midtown Alliance and selected construction company shall allocate an amount not less than \$5,000.00 for improvements to the site, the balance of which remaining following the completion of temporary staging uses shall be available for further improvements to the site according to the direction of the Department of Watershed Management.

SECTION 6: That any plan developed by the Department of Watershed Management for improvements to the site shall be developed and implemented in a way that will permit the ultimate inclusion of the West Lumber site into Piedmont Park.

SECTION 7: That all resolutions or parts thereof, in conflict herewith, are hereby repealed.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

JUN 16, 2003
JUN 24, 2003

RCS# 4836
6/16/03
5:03 PM

Atlanta City Council

Regular Session

CONSENT I PAGES 1-13; EXCEPT: 03-R-0929; 03-O-0693
 03-O-0913; 03-O-0668; 03-O-0669
 ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 1
ABSENT 2

Y Smith	B Archibong	E Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	NV Norwood
Y Young	NV Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

RCS# 4835
6/16/03
5:02 PM

Atlanta City Council

Regular Session

CONSENT I PAGES 1-13; EXCEPT: 03-R-0929; 03-O-0693
 03-O-0913; 03-O-0668
 RECONSIDER

YEAS: 9
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 1
ABSENT 2

NV Smith	B Archibong	E Mcore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	NV Norwood
Y Young	Y Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Bcazman	NV Woolard

CONSENT I

RCS# 4815
6/16/03
2:28 PM

Atlanta City Council

Regular Session

CONSENT I PAGES 1-13; EXCEPT: 03-R-0929; 03-O-0693
 03-O-0913; 03-O-0668
 ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 2

Y Smith	B Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	B Maddox	Y Willis
Y Winslow	NV Muller	NV Boazman	NV Woolard

CONSENT I

		6/16/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-0906 2. 03-O-0911 3. 03-O-0905 4. 03-O-0764 5. 03-O-0914 6. 03-O-0667 7. 03-O-0671 8. 03-O-0839 9. 03-O-0908 10. 03-O-0910 11. 03-O-0912 12. 03-R-0851 13. 03-R-0853 14. 03-R-0854 15. 03-R-0922 16. 03-R-0927 17. 03-R-0928 18. 03-R-0891 19. 03-R-0894 20. 03-R-0921 21. 03-R-0890 22. 03-R-0893 23. 03-R-0895 24. 03-R-0903 25. 03-R-0938 26. 03-R-0848 27. 03-R-0849 28. 03-R-0892 29. 03-R-0918 30. 03-R-0919 31. 03-R-0923 32. 03-R-0924 33. 03-R-0897	34. 03-R-0855 35. 03-R-0856 36. 03-R-0857 37. 03-R-0858 38. 03-R-0859 39. 03-R-0860 40. 03-R-0861 41. 03-R-0862 42. 03-R-0863 43. 03-R-0864 44. 03-R-0865	45. 03-R-0866 46. 03-R-0867 47. 03-R-0868 48. 03-R-0869 49. 03-R-0870 50. 03-R-0871 51. 03-R-0872 52. 03-R-0873 53. 03-R-0874 54. 03-R-0875 55. 03-R-0876 56. 03-R-0877 57. 03-R-0878 58. 03-R-0879 59. 03-R-0880 60. 03-R-0881 61. 03-R-0882 62. 03-R-0883 63. 03-R-0884 64. 03-R-0885 65. 03-R-0886 66. 03-R-0887 67. 03-R-0888

Consent I Vote: 10Yeas; 0Nays: (See RCS #4836)

Items Removed from the Consent Agenda: 03-O-0913; 03-O-0693; 03-O-0668; 03-O-0669; 03-O-0929

03-R-0919
(Do Not Write Above This Line)

A RESOLUTION

BY COUNCILMEMBERS CLAIR MULLER AND ANNE FAUVER

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO PERMIT MIDTOWN ALLIANCE AND SILVERMAN CONSTRUCTION TEMPORARY USE OF THIS PARCEL OF PROPERTY AT THE END OF WESTMINSTER DRIVE AS A TEMPORARY STAGING AREA, AND TO REQUIRE THE RESTORATION OF THE SITE TO ITS ORIGINAL CONDITION FOLLOWING THE COMPLETION OF ANY CONSTRUCTION WORK; AND FOR OTHER PURPOSES.

ADOPTED BY

JUN 16 2003

COUNCIL

AS AMENDED

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 6/3/03
Referred To: City Utilities
Date Referred _____
Referred To: _____
Date Referred _____
Referred To: _____

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

City Utilities
Date 6/10/2003
Chair Clair Muller
Action As Adopted
Fav, Adv, Hold (see rev. side) _____
Other _____

Date

Chair

Action

Members

Clair Muller
Anne Fauver
John Smith
John Smith
John Smith
John Smith
John Smith
John Smith
John Smith
John Smith

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side) _____
Other _____

Members

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd
- ☐ 1st & 2nd
- ☐ 3rd
- ☒ Consent
- ☐ V Vote
- ☒ RC Vote

CERTIFIED

CERTIFIED
JUN 16 2003

ATLANTA CITY COUNCIL PRESIDENT
John W. Hordard

CERTIFIED
JUN 16 2003
Paula Smith
MUNICIPAL CLERK

MAYOR'S ACTION

Paula Smith
JUN 24 2003